

# EXHIBIT A

Appendix XII-B1

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b>		FOR USE BY CLERK'S OFFICE ONLY
	Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 <b>Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed</b>		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____
ATTORNEY / PRO SE NAME DAVID T. ERCOLANO, ESQ.		TELEPHONE NUMBER (973) 779-1163	COUNTY OF VENUE Essex
FIRM NAME (if applicable) FUSCO & MACALUSO PARTNERS, L.L.C.		DOCKET NUMBER (when available)	
OFFICE ADDRESS 150 PASSAIC AVENUE P. O. BOX 838 PASSAIC, NJ 07055		DOCUMENT TYPE COMPLAINT	
NAME OF PARTY (e.g., John Doe, Plaintiff) JUSTINIANO A. BENOIT-LIRIANO, Plaintiff		CAPTION JUSTINIANO A. BENOIT-LIRIANO v. TIMOTHY J. Houser, et als.	
CASE TYPE NUMBER (See reverse side for listing) 603	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) TRAVELERS INDEMNITY CO. OF AMERICA <input type="checkbox"/> NONE SEDGWICK CMS <input type="checkbox"/> UNKNOWN	
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
 Do you or your client need any disability accommodations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, please identify the requested accommodation <input type="checkbox"/> FILING <input type="checkbox"/> CLERK'S OFFICE <input type="checkbox"/> PLEADING <input type="checkbox"/> CIVIL DIVISION <input type="checkbox"/> INTERPRETER <input type="checkbox"/> VICTIM WITNESS <input type="checkbox"/> OTHER: _____	
Will an interpreter be needed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, for what language? <input type="checkbox"/> ENGLISH <input type="checkbox"/> SPANISH <input type="checkbox"/> FRENCH <input type="checkbox"/> CHINESE <input type="checkbox"/> JAPANESE <input type="checkbox"/> RUSSIAN <input type="checkbox"/> GERMAN <input type="checkbox"/> HINDI <input type="checkbox"/> PORTUGUESE <input type="checkbox"/> ARABIC <input type="checkbox"/> PERSIAN <input type="checkbox"/> TURKISH <input type="checkbox"/> BENGALI <input type="checkbox"/> BURMESE <input type="checkbox"/> TELUGU <input type="checkbox"/> MARATHI <input type="checkbox"/> HINDI <input type="checkbox"/> PUNJABI <input type="checkbox"/> PERSIAN <input type="checkbox"/> TURKISH <input type="checkbox"/> BENGALI <input type="checkbox"/> BURMESE <input type="checkbox"/> TELUGU <input type="checkbox"/> MARATHI <input type="checkbox"/> HINDI <input type="checkbox"/> PUNJABI <input 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Side 2



## CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

**CASE TYPES** (Choose one and enter number of case type in appropriate space on the reverse side.)

**Track I - 150 days' discovery**

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

**Track II - 300 days' discovery**

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

**Track III - 450 days' discovery**

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

**Track IV - Active Case Management by Individual Judge / 450 days' discovery**

- 158 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

**Multicounty Litigation (Track IV)**

271 ACCUTANE/ISOTRETINOIN	292 PELVIC MESH/BARD
274 RISPERDAL/SEROQUEL/ZYPREXA	293 DEPUY ASR HIP IMPLANT LITIGATION
281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL	295 ALLODERM REGENERATIVE TISSUE MATRIX
282 FOSAMAX	296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS
285 STRYKER TRIDENT HIP IMPLANTS	297 MIRENA CONTRACEPTIVE DEVICE
286 LEVAQUIN	299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR
287 YAZ/YASMIN/OCELLA	300 TALC-BASED BODY POWDERS
289 REGLAN	601 ASBESTOS
290 POMPTON LAKES ENVIRONMENTAL LITIGATION	623 PROPECIA
291 PELVIC MESH/GYNECARE	624 STRYKER LFIT CoCr V40 FEMORAL HEADS

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

Putative Class Action

Title 59

DAVID T. ERCOLANO, ESQ. – ID#: 016922010  
FUSCO & MACALUSO PARTNERS, L.L.C.  
150 Passaic Avenue  
P. O. Box 838  
Passaic, New Jersey 07055  
(973) 779-1163  
Attorneys for Plaintiff  
Our File No: 212538

SUPERIOR COURT OF N.J.  
CIVIL DIVISION  
ESSEX VICINAGE

2017 OCT 18 A 10:42

FINNANCIAL DIVISION  
CLERK'S OFFICE

JUSTINIANO A. BENOIT-LIRIANO,  
Plaintiff,

v.

TIMOTHY J. Houser; WARD T. LOGISTICS; WARD TRUCKING, LLC; COLONIAL LIFE & ACCIDENT INSURANCE; JOHN DOES 1-10 (fictitious names); RICHARD ROES 1-10 (fictitious names); and ABC COMPANIES, INC., 1-10 (fictitious names),

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY

DOCKET NO:

CIVIL ACTION

COMPLAINT, JURY DEMAND,  
DESIGNATION OF TRIAL  
COUNSEL AND CERTIFICATION

Plaintiff, JUSTINIANO A. BENOIT-LIRIANO residing at 57 Marsello Place, First Floor, in the City of Garfield, County of Bergen, and State of New Jersey, by way of Complaint, against the Defendants, hereby says:

FIRST COUNT

1. On or about January 30, 2017, Plaintiff JUSTINIANO A. BENOIT-LIRIANO was the operator of a certain motor vehicle owned by VIP LIMOUSINE & CAR which was traveling in a general south direction on Garden Street, in the City of Passaic, County of Passaic, State of New Jersey.

2. At the time and place aforesaid, the Defendant, **TIMOTHY J. HOUSER**, was the operator of a certain motor vehicle (truck) owned by Defendant, **WARD T. LOGISTICS** and/or Defendant, **WARD TRUCKING, LLC** which was reversing in a general north direction on Garden Street, in the City of Passaic, County of Passaic, State of New Jersey.

3. Defendant, **WARD T. LOGISTICS** and/or Defendant, **WARD TRUCKING, LLC**, is liable for the negligent acts and/or omissions of their agent(s), servant(s), and/or employee(s) under the doctrine of respondeat superior.

4. At the time and place aforesaid, the Defendant(s) **JOHN DOES 1-10** (fictitious names), **RICHARD ROES 1-10** (fictitious names) and/or **ABC COMPANIES, INC. 1-10** (fictitious names) was/were the owner(s) of a certain motor vehicle(s) which was/were being operated by his/her/its agent(s), servant(s) and/or employee(s), the Defendant(s), **JOHN DOES 1-10** (fictitious names), along the aforesaid roadway(s).

5. The aforesaid Defendant(s) **JOHN DOES 1-10**, **RICHARD ROES 1-10** and/or **ABC COMPANIES, INC. 1-10** are fictitious names intended to identify any and all parties including individuals, corporations and/or other entities whose identities are presently unknown to the Plaintiff who together with the named Defendants, were the owners, lessor(s) or lessee(s) and/or operators of vehicles upon the aforesaid roadways and whose negligence contributed to Plaintiff's injuries.

6. At the time and place aforesaid, the Defendants, or either of them, so negligently operated and/or maintained and/or controlled their motor vehicles as to cause same to strike and collide with the vehicle and the person of the Plaintiff, **JUSTINIANO A. BENOIT-LIRIANO**.

7. As the direct and proximate result of the aforesaid negligence of the Defendants, the Plaintiff, **JUSTINIANO A. BENOIT-LIRIANO** sustained serious and permanent physical injuries, suffered, still suffers and will continue to suffer from great physical pain and mental anguish, was confined, is and will continue to be so confined, was obliged, still is, and will in the future be obligated to expend large sums of money for medical and other needed care of the aforesaid injuries, was prevented, is, and will in the future be prevented from pursuing his usual course of conduct and employment and in the future will be caused great pain and suffering, to his great loss and damage.

**WHEREFORE**, the Plaintiff, **JUSTINIANO A. BENOIT-LIRIANO** demands judgment against the Defendants, **TIMOTHY J. Houser, WARD T. LOGISTICS, WARD TRUCKING, LLC, JOHN DOES 1-10** (fictitious names), **RICHARD ROES 1-10** (fictitious names) and **ABC COMPANIES, INC. 1-10** (fictitious names), either individually, jointly and/or severally, for damages, together with interest and costs of this suit.

#### **SECOND COUNT**

1. The Plaintiff, **JUSTINIANO A. BENOIT-LIRIANO** repeats the allegations contained in the First Count of this Complaint and makes same a part hereof as though more fully set forth at length herein.

2. The Defendant, **COLONIAL LIFE & ACCIDENT INSURANCE COMPANY** executed to Justiniano A. Benoit-Liriano, in consideration for a sum of money an automobile insurance policy, thereby agreeing to indemnify the Plaintiff, against losses arising from medical expenses, lost wages and essential services by the insured, members of the insured's household, or occupants of the insured's vehicle. Defendant, **COLONIAL LIFE & ACCIDENT**

**INSURANCE COMPANY**, does business throughout the State of New Jersey, including the County of Essex.

3. The Plaintiff, **JUSTINIANO A. BENOIT-LIRIANO** was qualified and intended for such benefits.

4. On or about January 30, 2017, the Plaintiff, **JUSTINIANO A. BENOIT-LIRIANO**, was involved in an automobile accident proximately resulting in medical expenses, essential service expenses, lost wages and other covered losses.

5. The Plaintiff, **JUSTINIANO A. BENOIT-LIRIANO** has furnished to Defendant, **COLONIAL LIFE & ACCIDENT INSURANCE COMPANY** proof of said loss and otherwise performed all the conditions of the policy.

6. The Defendant, **COLONIAL LIFE & ACCIDENT INSURANCE COMPANY** has not paid said loss.

7. The Defendant, **COLONIAL LIFE & ACCIDENT INSURANCE COMPANY** has failed and refused to make prompt payment of Plaintiff's medical bills, in violation of New Jersey No Fault Law and failed and refused to provide Plaintiff necessary medical treatment.

8. Personal Injury Protection benefits and/or Medical Expense benefits have wrongfully not been paid by the Defendant named herein.

9. Personal Injury Protection benefits and/or Medical Expense benefits have wrongfully been denied by the Defendant. Said wrongful denial and/or non-payment of PIP benefits and/or Medical Expense benefits entitles the Plaintiff, **JUSTINIANO A. BENOIT-LIRIANO** to statutory penalties, interest, counsel fees and costs of this suit.

10. As a result, the Defendant is in breach of the insurance agreement and has violated New Jersey Law.

**WHEREFORE**, the Plaintiff, **JUSTINIANO A. BENOIT-LIRIANO**, demands judgment against the Defendant, **COLONIAL LIFE & ACCIDENT INSURANCE COMPANY**, for damages including, but not limited to payment of all medical bills, payment and/or reinstatement of benefits, statutory penalties including interest and counsel fees and such other relief as this Court may deem fair and proper.

FUSCO & MACALUSO PARTNERS, L.L.C.  
Attorneys for Plaintiff

Dated: October 17, 2017

By: \_\_\_\_\_

DAVID T. ERCOLANO, ESQ.

**DEMAND TO PRESERVE EVIDENCE**

All defendants are hereby directed and demanded to preserve all physical and electronic information pertaining in any way to plaintiff's employment, to plaintiff's cause of action and/or prayers for relief, to any defenses to same, and pertaining to any party, including, but not limited to, electronic data storage, closed circuit TV footages, digital images, computer images, cache memory, searchable data, emails, spread sheets, employment files, memos, text messages and any and all online social work or related websites, entries on social networking sites (including, but not limited to, Facebook, Twitter, MySpace, etc.) and any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation. Failure to do so will result in separate claims for spoliation of evidence and/or for appropriate adverse inferences.

FUSCO & MACALUSO PARTNERS, L.L.C.  
Attorneys for Plaintiff

Dated: October 17, 2017

By: \_\_\_\_\_

DAVID T. ERCOLANO, ESQ.

**DEMAND FOR TRIAL BY JURY**

The Plaintiff(s) hereby demand(s) a trial by jury as to all issues herein.

FUSCO & MACALUSO PARTNERS, L.L.C.  
Attorneys for Plaintiff

Dated: October 17, 2017

By:

DAVID T. ERCOLANO, ESQ.

**DESIGNATION OF TRIAL COUNSEL**

In accordance with R. 4:25-4, David T. Ercolano, Esq., is hereby designated as trial counsel for the plaintiff in the within matter.

FUSCO & MACALUSO PARTNERS, L.L.C.  
Attorneys for Plaintiff

Dated: October 17, 2017

By:

DAVID T. ERCOLANO, ESQ.

**DEMAND FOR ANSWERS TO FORM C AND FORM C (1) INTERROGATORIES**

Pursuant to Rule 4:17-1(b), demand is hereby made upon defendants to provide answers to Form C and Form C1 interrogatories contained in Appendix II, within the time limits prescribed by the Rules of Court.

FUSCO & MACALUSO PARTNERS, L.L.C.  
Attorneys for Plaintiff

Dated: October 17, 2017

By:

DAVID T. ERCOLANO, ESQ.

**CERTIFICATION**

Pursuant to Rule 4:5-1, the undersigned hereby certifies that at the time of the filing of this Complaint, the within matter is not the subject of any other pending matters. Furthermore, through discovery, the Complaint may be amended to include party Defendants for the fictitious Defendants named herein. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**FUSCO & MACALUSO PARTNERS, L.L.C.**  
Attorneys for Plaintiff

Dated: October 17, 2017

By:

DAVID T. ERCOLANO, ESQ.

SUPERIOR COURT OF NJ  
CIVIL DIVISION  
ESSEX VENUE  
2017 OCT 18 A 10:42  
PLAINTIFF DIVISION  
REGISTRATION